

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: MARCH 9, 2015

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS MONROE
GIRARD
SOKOL
WOOD
FRASIER
WESTCOTT
STROUGH

MARTIN AUFFREDOU, COUNTY ATTORNEY

JOAN SADY, CLERK OF THE BOARD

SUPERVISORS BROCK
CONOVER
MERLINO
SEEBER
SIMPSON
TAYLOR

BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES

JOHN SALVADOR, WARREN COUNTY RESIDENT

BOB SCHULTZ, WARREN COUNTY RESIDENT

GEORGE WEINSCHENK, WARREN COUNTY RESIDENT

DON LEHMAN, *THE POST STAR*

SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

PLEASE SEE ATTACHED SIGN IN SHEET FOR ADDITIONAL ATTENDEES

Mr. Monroe called the Legislative & Rules Committee meeting of the to order at 10:00 a.m.

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda packet were distributed to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Mr. Monroe advised the first item on the agenda pertained to information from NYSAC (New York State Association of Counties) regarding Chapter 477 of the Laws of 2014 S.7888 Nozzolio/A.10141, that was signed into law by the Governor on November 21, 2014. He said the law clarified and recognized that certain other fireworks should not be labeled dangerous, when they posed little or no danger to the public. He continued, as a result the State statute provided an opt-in for counties to enact a local law to authorize the sale and use of smaller fireworks, such as sparklers or sparkler devices. He added Unshackle Upstate, a non-partisan, pro-taxpayer, pro-economic growth, education and advocacy coalition made up of business and trade organizations from Upstate New York were in favor of the County opting in, as well as the BJ Allen Company, a manufacturer and supplier of fireworks who had sent a letter stating such.

Mr. Monroe advised the type of smaller fireworks that would be permissible to sell should the County opt-in would be cylindrical fountains, cone fountains, wooden sparklers/dipped sticks and novelties such as party poppers and snappers. He said he was aware that Saratoga County held a public hearing regarding the matter; however, he said, he was unsure of the outcome. He stated according to the information provided by NYSAC, New York State was one of the three States in the Country that currently did not permit the sale of these particular types of fireworks. He added the sales were permissible in the nearby States such as Connecticut, Vermont and Pennsylvania.

Martin Auffredou, County Attorney, apprised he could call the Saratoga County Attorney to inquire

as to the outcome of their public hearing regarding the matter and whether any action was taken. He said he would like the opportunity to determine what action Saratoga County took on the matter and review both the State and proposed local law before providing an opinion on the matter. He stated it appeared that NYSAC was encouraging the adoption of a local law to implement the State law. He apprised unless there was a particular rush to act upon the matter he felt no action was required today since according to the local law sales of these particular types of fireworks would only be permitted from June 1st through July 5th and December 26th through January 2nd. He pointed out if the County were to opt in there was ample time available to complete the necessary steps to have the local law in place prior to June 1, 2015.

Ms. Wood asked Brian LaFlure, Fire Coordinator/Director, Office of Emergency Services, to provide perspective from the fire service on the matter. Mr. LaFlure advised he had no position either way. He said the matter was discussed at the Fire Advisory Council Board meeting. He stated their concern related to the fire companies needing to know whether the fireworks were permitted in the County or not. He said that he had a copy of the resolution from Saratoga County that opted them in to permitting the sale of these items during the aforementioned time frame. He mentioned that this meant even if Warren County did not opt into the State law individuals would not have to travel far to purchase these items and bring back into Warren County. He advised fire safety was an issue fire companies would be dealing with in relation to fire works. He pointed out even though the sales were permitted for a short period of time it could still create issues if individuals were to purchase the fireworks in bulk and store them in an inappropriate location in their homes or businesses. He reiterated it was important that the fire companies were made aware of whether the fireworks present in their county were permitted or illegal. He commented the fire companies would follow whatever the law stated for Warren County; however, he mentioned, he was concerned that Warren County would be in between states and counties that permitted the sale of such fireworks. He said his personal opinion regarding fireworks was influenced by the number of children he had observed being injured by them; however, he added, he was sympathetic to the business owners perspective on the matter, as well. He noted Saratoga County local law would be in place prior to June 1st.

Mr. Brock asked whether it would be possible to include in the local law the requirement that vendors had to take a safety course in order to be eligible to sell fireworks and Mr. Auffredou replied in the negative. He explained that the proposed local law pertained to permitting the sale of fireworks in Warren County; however, he said, vendors were not required to apply for a permit through the County to sell them.

Mr. Girard suggested tabling consideration of a local law authorizing the sale and use of smaller fireworks, such as sparklers or sparkler devices for further review by the County Attorney.

Motion was made by Mr. Girard, seconded by Ms. Wood and carried unanimously to table the issue pending review and advisement of the County Attorney.

Mr. Sokol questioned when the next Committee meeting would be scheduled, as he was concerned about not meeting the time frame to have a local law in place by June 1st. He stated he had discussed the matter with several local business owners that were interested in selling fireworks and he was concerned that the next Committee meeting would not be scheduled in a timely manner. He asked whether the Committee could approve opting into the State law with the condition that the County Attorney perform a thorough review of the State and local legislation. Mr. Westcott queried whether a Committee meeting could be scheduled within the next few weeks, which would allow for the issue to be addressed in a timely manner. Mr. Auffredou explained in regards to the time frame that if the Board approved opting into the State law at their April 17, 2015 Board meeting, the public

hearing would take place at the May 15, 2015 Board meeting. He continued, this meant assuming the local law was adopted, it would be in place prior to June 1, 2015. Mr. Sokol commented he was concerned that the business owners he had spoken with would miss out on the sales opportunity if the local law was not adopted prior to June 1st. Mr. Monroe advised a Committee meeting would be scheduled in April to discuss the matter further.

Moving along, Mr. Monroe advised that Robert Schultz, Warren County resident, was in attendance to discuss the following requests for support:

- 1) Attached resolution calling on the State Legislature to discontinue the implementation of the Common Core State Standards and participation in the PARCC (Partnership for Assessment of Readiness for College and Careers Consortium) in favor of an independent state-based approach to the improvement of the education system in New York; and
- 2) Supporting the Amendment to New York State's Social Studies Learning Standard No. 5 Civics, Citizenship and Government.

Mr. Schultz apprised attached to the agenda was a copy of his letter dated February 3, 2015 summarizing his request along with draft resolutions regarding both matters. In regards to the resolution referring to civic education, he stated this resolution would have the County calling upon the State Board of Regents to amend Social Studies Learning Standard No. 5. He explained that the State Board of Regents adopted Learning Standards that curriculums across the State were based upon. He stated he felt that Social Studies Learning Standard No. 5 entitled Civics, Citizenship and Government was woefully inadequate, as it did not comply with Section 801 of the State Education Law. He continued, Section 801 of the State Education Law, which had been in place since 1941, required "every teacher of the State shall teach every child of this State in public and private schools from grade 8 on the history, the meaning, the significance and the effect of every provision in our State and Federal Constitution and in our Declaration of Independence". He mentioned as a graduate of public school in 1957 he could assure the Committee he was not taught this nor was his grandchild who graduated from Lake George High School this past June. He stated children were not being prepared for their civic lives, as they were unaware of how the system was designed to work, what was included in the State and Federal Constitution and in the Declaration of Independence, how it got there, why it was there, the power of the provisions, etc. He commented he believed this had to change and noted the only way to ensure this was to amend Social Studies Learning Standard No. 5. He said he felt the attached resolution was self explanatory and he encouraged the Committee members to call upon the State Board of Regents to amend this Learning Standard.

In reference to his other request, Mr. Schultz advised this was directed at the State Legislature. He stated the resolution would have the County emphatically urging the State Legislature to bring New York into compliance with the United States Constitution by discontinuing the Common Core State Standards and ending New York States involvement in the Race to the Top Program and the PARCC. He explained there were four provisions of the United States Constitution that the Common Core Education System violated. He continued the System violated the Fourth Amendment, the Tenth Amendment, and Two Articles, which was all explained in the attached proposed resolution. He said the Fourth Amendment was being violated because it was gathering a great deal of private information on every child to which their parents did not have access nor did the school; however, he stated, the Federal Government and third parties did have access to this information. He mentioned this was a violation of their right to be secure in their private papers, effects and so forth.

Mr. Schultz apprised the Tenth Amendment to the United States Constitution prohibited the Federal Government from engaging in activity that citizens had not enabled them to engage in. He said if citizens had not given them that power then they were prohibited from exercising that power. He

added power not given to the Federal Government was reserved to the States and to the people. He advised the Federal Government was prohibited from federalizing education in the states, which was what was occurring in New York State.

Mr. Schultz said Article One of the United States Constitution included a compact clause indicating that States were prohibited from engaging in interstate compacts unless the United States Congress approved them. He apprised New York State was participating in an interstate compact called PARCC, which had not been approved by the United States Congress, and therefore a violation of Article One, Section Ten, Clause Three of the United States Constitution occurred. He added citizens of the United States were guaranteed by Article Four of the United States Constitution a republican form of government and substance, which meant citizens shall follow the rule of law. He continued, citizens of the United States were not governed by the rule of man or whim, as citizens were to be governed in their states by the rule of law and the law was being violated. He commented the Committee members had an opportunity to be true to their oaths to support the United States Constitution by recognizing there was an element of the government in the Country that was operating outside of the law by supporting these resolutions. He added he would be happy to answer any questions.

Mr. Auffredou asked whether Mr. Schultz had made any similar presentations to other counties or legislative bodies, and if so, what was the response to them. Ms. Schultz apprised this was a new initiative that was occurring State-wide. He stated a similar letter was addressed to the Washington County Board of Supervisors and he made a comparable presentation to their Finance Committee. He said no action was taken that day and he had not followed up with them to inquire whether any action would be taken on the matters; however, he was optimistic they would seriously consider taking action. He mentioned he would be making a similar presentation this evening to the Fort Ann Town Board and he had also presented to the Queensbury Town Board.

Mr. Strough advised the Queensbury Town Board felt this issue required more than a quick deliberation and interpretation of the Fourth and Tenth Amendments of the United States Constitution and did not fall within the jurisdiction of a Town Board. He continued, they believed this deliberation should take place within a court of law among school districts, teachers, students and the public at large but not necessarily the lower level legislative bodies. He added he did not think they knew enough about Common Core, or Mr. Schultz's interpretation of the law; therefore, he said, he felt this issue merited a very thorough and strong deliberation. He mentioned performing a five minute cursory review of it was an injustice to the topic. Mr. Schultz interjected he had not requested a five minute cursory review, as he had anticipated the Town of Queensbury would have had their Town Attorney review whether the facts presented in the resolution were true or not. He continued, recognizing that they had taken an oath to support the United States Constitution he felt this had been the Queensbury Town Board's opportunity to affirm their support of the Constitution. He commented, the matter should not be rushed, as he felt the correct course of action was for the local legislative bodies he had presented with the resolutions to have their Attorneys thoroughly review them before summarily dismissing them as the Town of Queensbury had apparently done.

Ms. Wood apprised she was in favor of moving forward with both items as presented. She said two years ago she discussed her dissatisfaction of the implementation of the Common Core Education System with Assemblymen Stec. She stated she was aware that the children in her Town had suffered under it. She added there continued to be wide-spread opposition to it and she, as a mother of a school aged child, believed it was detrimental to children. In regards to Social Studies Learning Standard No. 5, she concurred with Mr. Schultz that children were graduating from high school with little understanding of basic concepts of local government such as where to go to have

something notarized, what the Town Clerk's function was, etc. She commented she felt any action they took to assist with increasing knowledge of the civic process was positive. She added in relation to Common Core, she strongly felt the Federal Government should not be dictating to the State how they should educate their children. She said she would be pleased to see this legislation move forward. Mr. Westcott advised he concurred with Ms. Wood; however, he felt any action should be contingent upon the legal review by the County Attorney as Mr. Schultz had suggested. Mr. Auffredou stated he was generally familiar with these issues and he would be happy to review the proposed resolutions in time to report on them at the March 20, 2015 Board meeting.

Mr. Strough advised his interpretation of Learning Standard No. 5 was in line with what he did when he was a high school Government teacher. He said his students were aware of the State Constitution and local government. He pointed out his students attended many local government functions; therefore, he stated, he felt the issue may be with the teachers interpretation of Learning Standard No. 5 and not an issue with the Standard itself. Mr. Schultz interjected that the current Learning Standard No. 5 for Social Studies was included in the attached resolution, as well as a copy of the recommended amendment. He suggested Mr. Strough compare the two, as Learning Standard No. 5 made no mention of the State Constitution or the Declaration of Independence. He added last September some individuals in the State of Missouri belonged to one the two assessment consortiums. He continued, New York State belonged to PARCC and the State of Missouri belonged to SBAC (Smarter Balance Assessment Consortium), which he noted was the only difference between the two States in terms of Common Core. He stated the Federal Government allocated Race to the Top funding to both States. He said last September two anti- Common Core activists worked with Fred Sauer to file a lawsuit against state officials that challenged the state's payment of taxpayer funds to the SBAC. He stated the lawsuit was filed in September and a Missouri State judge ruled on February 24, 2015 that the State's membership in a federally funded testing consortium charged with creating an assessment aligned with the Common Core standards was illegal and the State should stop paying fees to the SBAC. He added he had a copy of the complaint, the temporary restraining order and he was in the process of getting a copy of the ruling from the court and would forward it on to Mr. Auffredou for his review, as he felt this would assist in the review of his request. He noted they had won the case primarily due to the Tenth Amendment, as well as the Compact Clause. He explained the United States Congress had approved various Interstate Compacts that had to do with education. As an example, he stated there was one concerning individuals on the borders of New Hampshire and Vermont. He said there was a group of children who lived on the border of the two states and the closest school for them to attend was located in the neighboring state. He advised this required a compact between these two states, of which the United States Congress granted approval to. He pointed out neither the SBAC or the PARCC had been approved by the United States Congress, which is why the individuals from Missouri were successful with their lawsuit.

Mr. Brock advised that he had attended a class on Participation in Government with John A. Diamond, Mayor for the City of Glens Falls, which was a 12th grade level class. He said before they went he had asked the teacher to explain local government in depth. He stated he felt it was taught but not to the extent he would like it to be and the teacher concurred with him. He commented he believed a more explicit and in depth education of local government was required and Mr. Strough concurred.

Mr. Strough questioned whether the current system was in fact a violation of the Unites States Constitution in the ways and format that were presented today. Mr. Monroe apprised he understood that the United States Constitution delegated certain powers to the Unites States Congress and reserved all else to the States. He said he was unsure if there was a reference to education in the

United States Constitution. He stated when he had worked for the Court he was required to read the United States Constitution every year and he felt what Mr. Schultz was stating was correct; however, he said, he agreed a thorough review by the County Attorney was required.

Mr. Schultz commented he felt Messrs. Brock and Strough were confusing the two resolutions. He said with regards to proper civic education, New York State Education Law Section 801 required that every child know what was in these documents and their provisions. He continued, teachers had five years to teach the children what was in these documents, how the provisions got there and why they were there, as well as the power of them. He stated although children attending school in the Town of Queensbury may have a course that required they attend a Town Board Meeting, this was not teaching children what was in these documents and why they were there. As an example, he said he was unaware that every State had its own Constitution until he was 51 years old and yet it was the State Constitution that governed the behavior of every single elected and appointed official in the State, far more so than the Federal Constitution, which hardly ever came into play with the day to day administration of the State. He continued, no word found its way in or out of the document unless approved by the majority vote of the citizens. He commented children were not taught that the citizens structured and regulated the government. He advised his request related to Learning Standard No. 5, to which all curriculums must teach to at least comply with the State law that required these things be taught.

Motion was made by Ms. Wood, seconded by Mr. Westcott and carried by majority vote to authorize a Resolution in support of asking the State Legislature to amend Learning Standard No. 5 as it relates to Section 801 of State Education Law, pending the review of the County Attorney with Messrs. Girard and Strough voting in opposition. The necessary resolution was authorized for the March 20, 2015 Board meeting.

Motion was made by Ms. Wood, seconded by Mr. Westcott and carried by majority vote to authorize a Resolution urging the New York State Legislature to bring New York State into compliance with the United States Constitution, as the Common Core Standards are clearly in violation of four sections of the Constitution, pending review by the County Attorney with Messrs. Girard and Strough voting in opposition. The necessary resolution was authorized for the March 20, 2015 Board meeting. ***Subsequent to the meeting and upon, further review by the County Attorney, both resolutions were pulled. The County Attorney will address this at the next Legislative Committee Meeting.***

Moving along, Mr. Monroe advised the next item on the agenda pertained to a referral from the Support Services Committee requesting to redefine Section 60 of the General Construction Law as it pertains to the exception of the designation of the Official Newspapers for the County. He stated the rationale listed was to redefine the section to include an additional exception for rural Counties that may not have a paper which met the definition as presented in the Law. He asked Mr. Auffredou to comment on this matter.

Mr. Auffredou apprised this matter was discussed at the March 4, 2015 meeting of the Support Services Committee. He said proposed State Assembly Bill 3558 would modify the definition of Official Newspaper in the General Construction Law by removing the language "has a paid circulation". He continued, it would also amend the New York Limited Liability Company Law to address that the newspapers available for those publications would either be distributed on a daily or weekly basis and had been in business for at least one year immediately preceding any publication, advertisement, etc. He said this was brought to his attention by Assemblyman Stec and had been the subject of many discussions in the County since the beginning of the year when a

presentation was made by Mark Frost from *The Chronicle*. He advised the question was whether it was appropriate to designate *The Post Star* and in particular *The News Enterprise* as the County's Official Newspapers. He stated subsequent to his research he determined it was appropriate for these two Newspapers to be designated by the County, as they met the current exemption or exception that was included in the General Construction Law. He mentioned the issue before the Legislative Committee was whether they wanted to try to bring about modification to the current law which, from his point of view, was rather outdated and unworkable so that municipalities throughout the State would be able to utilize newspapers that did not necessarily have a paid circulation for their official designations. He apprised he believed this was an important matter to consider, as there were a number of Counties throughout New York State that may not have a newspaper with a paid circulation particularly on a daily basis. He commented Warren County was fortunate to have *The Post Star*; however, he said, there was not a second newspaper located in the County with a paid circulation. He explained that *The News Enterprise* met the ancient exemption requirement because their operations had commenced many years ago and they continued to operate; however, he stated, they freely admitted they did not have a paid circulation. He pointed out if not for *The News Enterprise*, Warren County would not be able to comply with the General Construction Law.

Mr. Auffredou distributed copies of the proposed State Assembly Bill No. 3558 to the Committee members; *a copy of which is on file with the minutes*. He questioned whether this Bill was a matter the County wanted to encourage the State to enact legislation on. He mentioned Assemblyman Stec advised he was interested in pursuing this matter. He apprised an alternate idea would be to pursue a rule exempting rural counties as defined by population level from the current General Construction Law and allowing them to utilize newspapers that did not have a paid circulation. He noted larger cities such as Syracuse, Buffalo, New York, etc. had newspapers in their metro areas that had paid circulation but this was a major issue for rural counties. Mr. Monroe advised he was in favor of supporting the proposed Assembly Bill. He added he felt Mr. Auffredou's suggestion of an alternative should be explored if the Assembly Bill failed.

Motion was made by Mr. Westcott, seconded by Mr. Strough and carried unanimously to authorize a resolution in support of State Assembly Bill No. 3558 regarding redefinition of Section 60 of the General Construction Law. The necessary resolution was authorized for the March 20, 2015 Board meeting.

Mr. Monroe stated the next item on the agenda related to discussion regarding the Governor's proposal in the 2015-16 State Budget to create the Upstate Revitalization Account in the amount of \$1.5 billion. He explained the account would be a one-time special initiative in which seven regional economic development areas competed for one of the three \$500 million dollar upstate revitalization grants. He advised the InterCounty Legislative Committee of the Adirondacks believed it would be more equitable and beneficial for all counties within Upstate Revitalization regions to share the \$1.5 billion grant funds by population rather than by competing for same.

Mr. Westcott asked whether the Intercounty Legislative Committee of the Adirondacks released a report on this matter. Ms. Wood apprised no report had been released; however, she said, there had been an abundant amount of discussion on the matter and the general consensus was that dividing the funding up between three regional groups rather than all seven was not beneficial, as they all had infrastructure needs and major projects that needed to be completed. She said they determined that it would be more reasonable to divide the funds by population of the County because everyone had projects that were necessary. She pointed out if the funding was only awarded to three regions, the other regions would have no funding source to manage their infrastructure needs with. She

added if the funding was distributed to the Counties the majority of the projects would be completed.

Mr. Monroe pointed out many individuals had worked for years to put together an Adirondack-wide or region-wide strategy. He said when the regional economic development councils were created they competed against one another for grant funds. He stated he felt the funding should be shared because they all had infrastructure needs. He added funding such as the \$1.5 billion for infrastructure was not a common occurrence.

Mr. Westcott advised he had been disappointed when he attended the presentation by the Lieutenant Governor and learned the amount of funding that had been allocated for infrastructure improvements. He said he was unsure of the exact figure; however, he felt it was minimal as compared to the needs of the State. He commented he brought this up because he felt there may be an opportunity to lobby for additional funding for infrastructure needs within this \$1.5 billion. He asked Mr. Monroe whether he had attended the meeting with the Lieutenant Governor as well and if so did he remember the exact figure that was provided; and Mr. Monroe replied he had not attended the meeting. He mentioned the \$1.5 billion allocation was a one time allocation and he would like to see more funding made available for infrastructure needs.

Mr. Monroe queried whether the Committee's desire was to move forward with the resolution that was adopted by the InterCounty Legislative Committee of the Adirondacks and Ms. Wood replied in the negative. She suggested they take the position opposing the \$1.5 billion being distributed through competition to three regional economic development areas and instead advocate that the funding be divided equally amongst Counties within the area.

Motion was made by Mr. Sokol, seconded by Mr. Strough and carried unanimously to authorize a resolution opposing the portion of the Executive 2015-2016 State Budget proposal concerning the Upstate Revitalization Account of \$1.5 billion being distributed by competition and instead requesting that it be divided equally among the various counties. The necessary resolution was authorized for the March 20, 2015 Board meeting.

Mr. Monroe stated he would like to delay discussing the request from John Salvador, Warren County Resident, until Mr. Auffredou returned.

Moving along, Mr. Monroe apprised the next item on the agenda related to a referral from the December 19, 2014 Board meeting requesting that the Committee discuss and consider possible legislation aimed at introducing mandated reporting and staffing levels for nursing homes. Ms. Seeber advised her request to discuss this matter was a result of discussions regarding the need to review what the County responsibility was in regards to reviewing staffing levels. She continued, more importantly she believed it was necessary to research states that had mandated elder abuse hotlines, as no such mandate existed in New York State. She mentioned since there had been an increase in elder abuse in the community she felt it would be proactive to consider legislation that would review this matter. Mr. Monroe commented he thought there was mandated reporting in New York State but not for staffing levels and Ms. Seeber replied that there were none in the State that she was aware of. She apprised child abuse reporting had a program in place with a 24 hour hotline; however, she noted, there was no such program in place for elder abuse. Mr. Monroe clarified that Ms. Seeber was referring to reporting of elder abuse and not reporting on the operations, as nursing homes were regularly inspected by NYS DOH.

Mr. Westcott stated it was his understanding that staffing levels were not mandated at nursing

homes. He commented he believed this was an issue but he was unsure of what measures could be taken. He pointed out a resolution could be adopted recommending that the State research the matter; however, he said, he did not feel the Committee was qualified to interpret what measures should be taken on the matter. He mentioned he thought additional research was required to develop a solution prior to moving forward.

In regards to mandatory reporting, Mr. Westcott advised there were some forms of mandated reporting in place by the NYS DOH; however, he was unsure whether they related to elder abuse. He mentioned he felt more research was required prior to taking any action on the matter. Mr. Brock noted that he had read reports on staffing and what was reviewed was the amount of time spent with each resident rather than the staffing level. He commented he felt additional research was required to ensure they moved forward in the correct manner.

Mr. Sokol suggested tabling the matter until next months meeting. Mr. Monroe questioned what was the best method to gather additional information on the topic. Mr. Sokol apprised he would discuss the matter with Lloyd Cote, Administrator of Westmount Health Facility, to determine the best direction to obtain additional information. Mr. Girard requested that they obtain some feedback regarding the matter from Mr. Cote, as he was concerned with mandating staffing levels, as this may bring about a larger issue. Mr. Monroe pointed out there were mandated staffing levels that related to the number of inmates at the County Jail; therefore, he believed, it was more important to have mandated staffing levels for nursing homes that provide care for the elderly. Mr. Monroe interjected the mandated staffing levels at the County Jail created an issue when the State determined the County was required to hire 15 additional Corrections Officers to be in compliance with their requirements. He added even if there was adequate staff, the individuals committing the violations identified through inspections, etc. brought notoriety to the deficiencies that were occurring. He commented he understood that staffing was certainly one way to provide a solution; however, he stated, he believed there were other solutions to be explored that were more practical.

Mr. Strough stated whether or not you agreed or disagreed with Specialty Care, it was rather evident that there were issues in nursing homes in New York State. He said he thought it was worthwhile to discuss whether mandated staffing, or a more comprehensive plan, would improve the conditions in nursing homes.

Ms. Seeber clarified her issue concerned the State, as she was alarmed that New York State had no system in place for mandated reporting of elder abuse. She pointed out this was a separate issue from mandated staffing levels at nursing homes; however, she said, she felt Mr. Cote may be able to provide some insight into the matter.

Pursuant to further discussion motion was made by Mr. Sokol, seconded by Mr. Westcott and carried unanimously to forward the matter to the Health Services Committee for further discussion.

Mr. Monroe stated the next item on the agenda referred to a request for a resolution opposing the Governor's new proposal regarding restrictions and new requirements for IDA's (Industrial Development Agencies). He said Bud Taylor, Chairman of the Counties of Warren and Washington Industrial Development Agency, was present to discuss this matter. Mr. Taylor explained the IDA was requesting a resolution opposing Part W of the Governor's Proposed 2015 Budget. He commented he believed the Warren and Washington IDA was the only bi-county IDA in the State. He advised they managed their own operations and did not request support from either County, as their income was generated by their agency through fees. Examples of recent projects they had completed, he said were the Hudson Falls Park Property, LLC, which converted the old bank in

Hudson Falls to office space and apartments, The Lake George Plaza which housed the new Price Chopper facility, etc. He mentioned according to the State Comptrollers Office, IDA's were currently assisting 4,521 projects throughout the State and had created over 114,000 new jobs with a total investment of \$73 billion. He pointed out the average cost to create a new position was \$2,588. He added the IDA far exceeded any other economic development program within the State. He apprised Part W of the Governor's Proposed 2015 Budget would require IDA's to get approval to grant any form of sales tax or mortgage tax benefits to applicants. He continued, this meant requests would be funneled through their organization to the State to seek approval from the Empire State Development to grant the 4% reprieve from sales tax. He advised the Empire State Development had 45 days to render a decision and if no decision was determined during this time frame then the assumption was they had approved the project. He pointed out this added 45 days to the time frame of when a local business could start-up. He thanked the Committee for their time and added he hoped they would support a resolution today.

Motion was made by Mr. Westcott, seconded by Mr. Merlino and carried unanimously to authorize a resolution opposing Part W of the Governor's Proposed 2015 Budget which restricted the ability for Industrial Development Agencies to respond to needs of businesses by removing home rule decisions with Regular Economic Development Council and Empire State Development. The necessary resolution was authorized for the March 20, 2015 Board meeting.

Moving along, Mr. Monroe advised the next item on the agenda was a referral from the Criminal Justice Committee for support of a resolution urging New York State to fund Probation Departments 100% for costs related to raising the age of criminal responsibility to 18 years old. He said this matter had been discussed at the March 4, 2015 meeting of the Criminal Justice Committee and the Director of Probation was asked to draft a resolution regarding this change. He pointed out the agenda included a copy of the resolution the Director of Probation drafted in support of the change provided that the related costs were 100% reimbursed by New York State, was reviewed and approved by Criminal Justice Committee; *a copy of the resolution is on file with the minutes*. Mr. Monroe advised the concern was that even if the State did at first provide 100% reimbursement they could gradually withdraw the funding.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to Support the State's proposal to raise the age of criminal responsibility from 16 years to 18 years contingent upon 100% funding being provided by New York State. The necessary resolution was authorized for the March 20, 2015 Board meeting.

Mr. Monroe suggested returning to the request from Mr. Salvador, regarding the Hudson River-Black River Regulating District. He stated Mr. Salvador was requesting the Committee support the affirmation of boundary locations fixed by the State Legislature's 1858/59 Act unless more recent creditable evidence was forthcoming. Mr. Salvador made the following statement:

"A discovery was made some 15 years ago of a State Statute enacted in 1858 and published soon thereafter in 1859 which described all the boundaries of the various municipalities throughout the State; *a copy of which is on file with the minutes*. The discovery showed that the Counties of Warren and Washington, including several of those County's Towns interfacing in and along the east shore of Lake George, were currently recognizing modern day boundaries inconsistent with those boundaries described in the 1858 Statute.

"There was no evidence to support a notion that the 1858 Statute has ever been amended and no record can be found on any State Legislative activity leading to the legitimacy of the current

town boundaries. Specifically in recent years the boundaries of the Warren County Towns of Lake George, Bolton and Queensbury as these towns interface with the Washington County Towns of Fort Ann and Dresden have been out of phase with the clear and unambiguous dictates of the 1858 Statute.

"Where to go with these findings? What to do with the realization that if the 1858 Statute was still valid then the waters of Lake George were in fact foreign to the Towns of Queensbury, Fort Ann and Dresden. Knowing that what is now Part 189.6 of the State's Department of Taxation and Finance Official Compilation of its Codes, Rules and Regulations requires that the County Director of Real Property Tax Services is responsible to show on each and every tax map all those city, town, village, school and special district boundary lines with their appropriate designations. I brought the text of the 1858 Statute to the attention of the County Director of Real Property Tax Services, Mr. Swan at the time. Shortly thereafter the Warren County Tax Maps were brought into conformance with the 1858 Statute. However, the three Warren County Towns and the two Washington County Towns have failed to comply with the dictates of the Real Property Tax Law in relation to their respect for the use of tax maps. Section 503 of the Real Property Tax Law requires that after all the counties have prepared and maintained in current condition tax maps approved by the State Board of Equalization and Assessment that said tax maps be supplied to each town. It then becomes the duty of the Town Assessor to utilize such maps in their assessment work. The work of the Town Assessor includes the compilation of all legally erected improvements within the boundaries of a well defined parcel of land. Practically every Lake George waterfront land owner exercises his or her littoral rights to access the navigable waters of the Lake by constructing an accessory structure frequently referred to as a boat dock. If the 1858 Statute remains determinative, these accessory structures lining the east shore of Lake George are neither within the boundaries of the Town of Queensbury in Warren County nor within the boundaries of the Towns of Fort Ann and Dresden in Washington County. The Assessor of the Town of Queensbury is without authority to include on the Assessment Rolls accessory structures which fall outside its Town boundaries in this case the east shore of Lake George."

Mr. Salvador advised Part 2 of his presentation referred to Exhibit 1 map of what was currently referred to as the town boundaries, which displayed the boundaries of Lake George, Queensbury and Bolton intersecting the southern basin. He stated the following:

"A close examination of a section of a Warren County highway map referred to as Exhibit 1 shows the erroneous intersection of the Towns of Lake George, Bolton and Queensbury somewhere in the southern basin of Lake George. There does not appear to be any foundation in the law to support that the location in Lake George of the common boundaries of Warren County Towns of Bolton Lake George, Queensbury and the Washington County Towns of Bolton-Fort Ann and Bolton-Dresden as shown on Exhibit 1. On the other hand Exhibit 2 shows the boundary locations around the lake for the Towns of Bolton, Queensbury and Lake George according to the description specified in the 1858 Statute. Exhibit 2 also conforms to the boundary definition calls of the Warren County Tax Mapping Agency, the organization responsible for the mapping of the Town boundaries. The Warren County Tax Mapping agency has long since concluded that the 1858 Statute had validity since nothing by way of legislation can be found which might have amended the 1858 Statute. Following Exhibits 1 and 2 is the product of the Warren County Planning Department. This shows the agreement with that of the 1858 Statute that it is valid and that the waters of Lake George are foreign to the Town of Queensbury. Recently I have noticed that the Town of Bolton on inquiry from the U.S. Census Bureau has claimed its eastern most boundary to be the east shore of Lake George. This of course puts 99%

of the islands on Lake George in the Town of Bolton as they have been ever since at least 1858.”

“I have tried everything administratively to bring this issue to the attention of the reviewing bodies. I have petitioned to have the tax rolls changed. There is no other vehicle in the assessment grievance process to bring this issue to the attention of a review board. This is the place I come to first of all establishing that there is no foundation for the boundaries that we are presently using. We have been working on this for fifteen years and no one has come up with anything to the contrary”.

Mr. Monroe apprised he felt the two questions raised were what were the proper boundaries and what was the jurisdiction over docks, moors and boathouses. Mr. Salvador interjected that the jurisdiction was another issue that was equally as important; however, he said, the issue he was bringing forth today dealt with the proper location of the town boundaries.

Mr. Monroe stated after meeting with Mr. Salvador, reviewing the 1858 Statute and discussing the matter with the County Attorney he felt it was unclear as to what jurisdiction the County had over the matter, as it was not a court that could determine boundary lines between and among different towns. He continued, his understanding was that the County tax mapping and GIS was consistent with Mr. Salvador’s statements; however, he said, he was aware that the Town of Queensbury had different maps that did not support Mr. Salvador’s argument.

Mr. Strough advised that he had maps that clearly stated the inclusion of Long Island as part of the Town of Queensbury. He surmised that in 1876 Long Island and Speaker Heck Island were the same body because the shore line of Lake George has fluctuated over the ages with the dams and dam structures on the north end and so forth. He stated those familiar with Speaker Heck and Long Islands were aware that you could walk between the two so just a small fluctuation in the water level created one body. He pointed out not only did the 1876 map he had support that these islands were located in the Town of Queensbury, as well as four other maps he had that he would pass around, but also provided clear evidence that defining the shoreline as a boundary line did not make sense because it fluctuated and changed. He said it was more practical that a metes and bounds description was established at one point; however, he said, as of yet he had been unable to locate this. He distributed copies of a map of Warren County from 1909, a United States topographic map from 1966 and a New York State Department of Transportation map from 1992, which all presented the same border in the same place; *copies of which are on file with the minutes*. He added he was unaware of any existing legislation that changed these borders.

George Weinschenk, Warren County Resident, apprised there was a definition in the State Law which clarified that Speaker Heck Island and Long island were located in the Town of Bolton. He explained the Town of Bolton actually went into the Town of Lake George. He said if they reviewed the minutes they would find that they were not politically correct because they stated the Town of Lake George was created “because of the cry babies in Lake George always complaining they gave them their own town but they did not give them the water”. He explained the Town of Bolton retained the water but presented them with the right to the town. He mentioned the State law supported the information that Mr. Salvador had presented. He commented he could find no record stating that these boundaries had been changed, which meant the Town of Queensbury never had Long Island under its jurisdiction. He said the APA (Adirondack Park Agency) recently released a pamphlet that stated the Town of Bolton did not have any of these waters although it was very clearly stated in the State law. He advised although boundary changes may have been made through word of over the years, they were applicable since they were not stated in writing. He added while he concurred that Speaker Heck Island and Long Island were probably once adjoined due to the changes in the

water levels, the law stated that water levels had no bearing on the boundaries.

Mr. Salvador reiterated that Part 189.6 of the State's Department of Taxation and Finance official compilation of codes, rules and regulations required that the County Director of Real Property Tax Services was responsible to show on each and every tax map all those city, town, school and special district boundary lines with their appropriate designations. He added there was no place in New York State Law that authorized any other body to map town boundaries.

Mr. Monroe apprised his understanding was that Mr. Salvador concurred that the County Tax Map was correct for his argument. Mr. Salvador stated they were correct in relation to what a tax map was and what they could be used for. Mr. Strough interjected that he was not saying Long Island was in the Town of Queensbury's jurisdiction; however, he said, the shore line of Lake George varied over time because of the dam and other methods. He commented it made no sense to use the shore line as a description of a boundary, as a metes and bounds description of the boundary was required. He continued, since the level of the lake has risen over the years and the one land mass was now two (Speaker Heck Island and Long Island), the maps did indicate Speaker Heck Island was part of the Town of Queensbury and Long Island was part of the Town of Bolton. Mr. Salvador interjected that it was not uncommon to include "as it winds and turns", which dealt with the lakes changing course over time. He said it was understood that a water course can change its location, which was why surveyors put in property descriptions with the words "as it winds and turns"; however in 1858 the shoreline was not defined exactly. He pointed out today there were statutes in the law that defined the mean low water mark of Lake George, the mean high mark of Lake George, etc. Mr. Strough noted all the maps he had presented were after 1858.

Mr. Monroe advised he understood the conflict presented; however, he stated, he was unsure of what the County jurisdiction was in regards to making a determination on the matter and he asked Mr. Auffredou for his opinion. Mr. Auffredou stated he did not feel they were required to determine whether or not Mr. Salvador had exhausted all administrative remedies available to him. He commented he did not view the Legislative & Rules Committee as an appellate body, as their jurisdiction was limited by Statute. He continued, he felt this matter should be addressed by the Towns and the Director of Real Property Tax Services, as he did not believe either this Committee or the Board had jurisdiction to render a determination on the matter. He added he would be reluctant to have the Committee come to any recommendations or conclusions here today, as he believed this was not the proper forum to resolve these issues. He added it was certainly fine if Mr. Salvador felt he needed to come here today and present his case so it was on the record for purposes he wanted to use it for. He reiterated he did not think this was something the Committee or Board would, or should, have a say in.

Mr. Westcott asked Mr. Auffredou to clarify whether he was suggesting one avenue Mr. Salvador could take was to discuss the issue with the Director of Real Property Tax Services and Mr. Auffredou replied that he believed Mr. Salvador had already met with the Director of Real Property Tax Services about this matter. Mr. Salvador advised he had met with Mike Swan, who was the Director of Real Property Tax Services at that time. Mr. Monroe apprised the tax maps were within the County's authority. Mr. Auffredou commented he did not feel the Committee had appellate review over Mr. Swan's decision as Real Property Tax Services Director. Mr. Monroe questioned whether Mr. Salvador agreed that the County Tax Maps were consistent with his view and Mr. Salvador replied affirmatively. He commented he felt that the County had completed the work they were authorized to perform. He said the County passed the tax maps on to the Town of Queensbury and the Town had not handled the matter appropriately, as they were not authorized to tax accessory structures outside their boundaries. Mr. Auffredou queried whether Mr. Salvador's issue

was with the towns and he replied affirmatively. He pointed out there was no place in the law to challenge a town boundary. Mr. Auffredou stated he believed there were provisions in place under Article 7 or Article 78 that dealt with such matters; however, he said, this was not a matter the Committee could determine. Mr. Salvador advised Article 7 did not lend itself to this matter, as he had thoroughly reviewed it and it made no mention to town boundary short of an Article 78. Mr. Auffredou questioned whether Mr. Salvador's issue was that the various towns were taking actions they did not have the authority to do or that the Director of Real Property Tax Services was not compelling or enforcing what should be done at the town level. Mr. Salvador replied he did not feel the Director of Real Property Tax Services had the authority to enforce and Mr. Auffredou concurred. He explained the Real Property Tax Services Director had a duty to turn over the tax maps to the towns after they have been approved by the State.

Mr. Conover pointed out the Committee approved a resolution that dealt with education and education law; therefore, he said, he was unsure why a jurisdictional argument applied so strongly on what was really a fundamental question of boundaries between municipalities within a County. He said he felt this was what County government was after all. He stated the issue was how can the boundaries that were specified by the State law with whatever fluctuations of water elevation may have occurred over that period of time be so at odds with all of these other maps the surveyors established based upon some metes and bounds, as he felt this would have required an amendment of the boundary within the State law. He pointed out a number of the maps presented by Mr. Strough were USGS Maps; therefore, he stated, a fundamental intermunicipal question was being raised that may have a simple answer or not that involved the towns that had a couple of conclusions. He mentioned if a change in State boundaries had not been made what did that mean. He said if the County Real Property Tax Services Department modified the boundary, why did they do this and what did they base it on. He reiterated if a change to the boundary was made at some point in time of an intermunicipal nature, what was that change and when did it happen. He stated he felt they were straight forward questions the County had the ability to assist with.

Mr. Auffredou interjected it was his understanding that Mr. Salvador's issue was not with the County but rather with the towns. He stated Mr. Salvador was not indicating that the County had changed boundary lines; however, he said, Mr. Salvador did state that the County had taken certain actions that were not challenged and had not been challenged thus far. He continued, Mr. Salvador was in accord with the action that the County has taken that may be at odds with certain towns. He added he believed this matter should be resolved by the towns and not the County.

Mr. Salvador apprised that the County had changed the boundaries at one point. He reminded the Committee according to tax maps the waters of Lake George had been located in the Town of Queensbury until he brought the Statute to Mr. Swan's attention. He said Mr. Swan investigated the matter and altered the tax map to be conducive with State law as they were today. Mr. Auffredou asked whether Mr. Salvador was stating that the tax maps were altered correctly by the law and Mr. Salvador replied affirmatively.

Mr. Weinschenk pointed out the tax bills issued for County and Town taxes listed the Town that the homeowner resided in. He said this meant the County was involved and should take action on the matter. As an example, he stated, someone with a boathouse located in the Town of Bolton paid taxes to the Town of Queensbury for it. He commented the taxes should be allocated to the Town of Bolton and not the Town of Queensbury. He reiterated since the County was listed in the tax bill they were involved.

Mr. Strough advised it was impractical to use the shore line as the boundary of a municipality. He

said he was certain there was a metes and bounds description of the boundary lines, it was just a matter of locating it. Mr. Conover mentioned some of the maps contained a foot hole, but he was unsure if the correct process was followed to put them together. He pointed out the Town of Bolton used to be a part of the Town of Thurman. He apprised he believed even if they could not render a decision on the matter they were responsible for performing some form of research. He added the USGS would have utilized sources to put together the maps Mr. Strough presented, however, he said, it was unclear what those sources were. Mr. Salvador noted all of the maps Mr. Strough presented, as well as all maps today contained disclaimer notes.

Mr. Westcott asked whether they were going to address Mr. Weinschenk's statement regarding the Town of Queensbury collecting taxes that should be allocated to the Town of Bolton. Mr. Auffredou advised if questions such as that were to be answered it would be necessary to involve the County Treasurer and the Director of Real Property Tax Services. Mr. Westcott asked whether this would be looked into and addressed and Mr. Monroe replied affirmatively. He said this matter could be added to the next meetings agenda so that the Director of the Real Property Tax Services Department could attend.

Mr. Schultz stated that the County had approved the tax maps; therefore, he said, he felt it fell under the County's jurisdiction. Mr. Salvador explained it was a requirement that the State approve all tax maps. Mr. Schultz surmised that since the State approved the maps it was evident that County law was being violated. Mr. Auffredou interjected that although he did not have all the facts in terms of violations, he concluded that the County had spoken as to what the tax maps should look like, which was approved by the State; however, he noted, the County could be wrong.

Pursuant to further discussion motion was made by Ms. Wood, seconded by Mr. Girard and carried unanimously to table the discussion until the next Committee meeting.

With regards to pending items, Mr. Monroe advised that the Committee tabled discussion on the request from Assemblyman Stec for review of AB.9650, an act to amend the environmental conservation law in relation to abolishing the Hudson River-Black River Regulating District (HRBRRD) and delegating such powers to the power authority of the State of New York. He stated Mr. Auffredou was to provide a summary report regarding the history of the HRBRRD, its power and duties for discussion at a future Committee meeting. Mr. Auffredou said this had been discussed for some period of time and there was some legislation that was proposed; however, he apprised, he did not feel the legislation addressed his underlying concerns to his satisfaction about on-going liabilities, etc. He commented he was unaware of any action taken on the matter since the previous discussion on June 9, 2014. He mentioned the proposed legislation would evolve such powers to the power authority of the State of New York. He reminded the Committee his concern that was shared by other County Attorney's in the regulating district was that the legislation did not address the on-going assessments that were being assessed against the Counties in relation to the on-going costs and the prior costs related to the litigation that was resolved. He added this continued to be his concern about the legislation.

Mr. Monroe concluded that there was an insufficient amount of information regarding the County's liability in relation to the history of the HRBRRD. He said the main concern was the costs of litigation would be transferred to the power authority. Mr. Auffredou apprised the cost to manage the HRBRRD had to originate from somewhere; however, he said, he did not feel the legislation addressed how the costs would be assessed or collected against the counties in a sufficient way. He stated it was unclear as to whether the costs would be allocated across the State or were they going to continue to assess the counties that benefitted as a result of the HRBRRD. He pointed out the

question remained whether the HRBRRD should be abolished for the sake of doing it or to generate an outcome where the counties and the District would see some relief and not be assessed and burdened by these costs. Mr. Monroe apprised he felt there was an underlying Federal issue because the Federal Government determined the dams on the rivers could not be assessed; therefore, he said, the districts imposed the costs upon the counties.

Mr. Monroe advised that since no action could be taken the item would remain a pending item. He said he would discuss the matter further with Assemblyman Stec.

Mr. Simpson asked for clarification as to whether there were any specific rules relating to the public comment portion of the meetings. He said the Town of Horicon had rules that stated how many times and how long a member of the public could speak during the public comment period of the meeting. Mr. Monroe advised he felt this was addressed in the Rules of the Board that were adopted every year at the Organization Meeting. Joan Sady, Clerk of the Board, apprised she was unsure of how specific the rules were in terms of the public comment period. Mr. Auffredou interjected that he did not believe the rule was precise in relation to public comment. He pointed out what the Board meeting agendas included 2 separate sections for Privilege of the Floor. He said he felt they were continuously trying to improve the opportunities and avenues for public discourse; therefore, he stated, it may be well advised to implement something such as this at the Committee level. He commented he had observed that each Committee Chairperson managed their Committees differently. He stated he felt this matter merited further discussion as to whether uniform rules should be developed with regards to the public participation period during Committee meetings and Mr. Simpson concurred.

Mr. Conover interjected that in regards to the HRBRRD he believed going forward the continuous concern related to the costs, how they would be applied and representation for the County. Mr. Auffredou advised within the current legislation there was framework for district wide representation. He said his understanding was there would be no representation once the district was abolished and transferred to the power authority. Mr. Conover pointed out they were aware of the rules as they existed today; however, he said, he was unsure what they would be in the future. Mr. Monroe apprised if the district was transferred to the power authority the County would lose whatever portion of input they provided into the process now. Mr. Auffredou mentioned the County currently paid \$240,000 - \$260,000 in assessment fees on an annual basis, which would continue. He stated there was a mechanism in place that permitted the district to change that amount on notice to the County. He said this was a substantial figure that could change; however, he advised, as a result of negotiations with the County there were limits to how much this figure could change. He surmised even if the district was transferred to the power authority there would be a cost assessed to Warren County at some point. He pointed out the proposed legislation stated that all powers and duties of the district were hereby transferred to the power authority, which meant one of those duties was to assess Warren County. Mr. Conover suggested there be a detailed discussion in that regard as to exactly what that meant. He noted it took years of litigation to reduce the annual amount due to the HRBRRD to what it was now. He said what the County's new arrangement and financial obligation would be was an important question.

In regards to the Rules of the Board, Ms. Wood apprised she had read a publication that was forwarded from the State Comptroller's Office in conjunction with the Association of Towns that provided a format for rules and procedures for towns regarding speaking at public hearings. She stated if the matter was going to be reviewed further she felt this could be used as a template. She commented she believed it was necessary to address the matter. She suggested reviewing what types of rules other municipalities had in place. Mrs. Frasier added she thought it was essential for

the public to have an opportunity to speak; however, she apprised, there should be rules in place to prevent individuals from monopolizing the entire meeting. Mr. Simpson advised he believed it was more about consistency to ensure the same rules governed all the Committee meetings, as well as the Board meeting.

In reference to Mr. Schultz's presentation regarding education, Mr. Weinschenk advised that children graduating from high school were unaware of what the significance of Pearl Harbor was, who the United States battled with in World War II, etc. He noted he had watched a program that stated children were no longer taught to write in schools; therefore, he said, the entire school system was in disorder. He added, he felt this merited consideration of Mr. Schultz's proposal.

Mr. Auffredou interjected that he disagreed with that statement. He said all four of his children had attended Queensbury High School and learned how to vote there, were taught about public participation in government there, learned about the United States Constitution there, etc. He noted he felt education could always be improved upon; however, he said, he believed the type of knowledge children learned in school was based upon many factors such as the school, the teacher, the student and the family. He added he thought schools were doing the best job they could with the resources they had available to them.

Mr. Westcott commented that one of his daughters was a student in the Queensbury School District and he felt it was a top rated school. He stated he believed Mr. Schultz's proposals related more to State law, which the County Attorney was going to review. In regards to the Medical Marijuana initiative, Mr. Westcott queried whether a resolution in support of this matter would be presented at the March 20, 2015 Board meeting, as he strongly supported the initiative and Mr. Monroe replied affirmatively. He explained that a resolution was adopted at the Wednesday, March 4, 2015 meeting of the Economic Growth and Development Committee in support of the medical marijuana firm in Chester, New York. He said that representatives from the firm would be presenting at the March 20, 2015 Board meeting.

Ms. Seeber questioned whether the Committee would be reviewing the public forum topic and Mr. Monroe replied affirmatively. She said she felt consistency was imperative to the matter. She mentioned if no rule was put in place then meetings should be scheduled for a longer time frame to accommodate the public. She commented there needed to be a solution and she felt this Committee was the appropriate forum for the discussion. Mr. Monroe advised the Rules of the Board were not specific in regards to public comment. He said it appeared the Committee would like to see examples of other municipalities rules regarding public comment during meetings. He advised he would review the matter further with the County Attorney. He suggested a rule be enacted that permitted a limited amount of public commentary before the resolutions were voted on and then another public commentary at the end of the meeting. He added he felt it was imperative to have a time limit; otherwise, the meetings could linger on for several hours.

Pursuant to further discussion on the matter it was determined that the County Attorney would work with the Committee to develop a policy regarding public commentary at Committee and Board meetings.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Ms. Wood and seconded by Mr. Girard, Mr. Monroe adjourned the meeting at 11:59 a.m.

Respectfully submitted,
Sarah McLenithan, Secretary to the Clerk of the Board

